

**ENTERED**

February 10, 2025

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

ROSEMOM CALVIN RICK PILOT,

Plaintiff,

v.

21ST MORTGAGE CORPORATION,

Defendant.

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Case No. 2:25-MC-00017

**MEMORANDUM AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Plaintiff Rosemon Pilot has applied for leave to proceed *in forma pauperis* (“IFP”). (Doc. No. 1.) The undersigned has considered the application and related filings and recommends that the Plaintiff’s application be DENIED without prejudice to filing a paid complaint. *See* Doc. Nos. 1, 1-1, 1-2, 1-3, 1-4.

Pursuant to 28 U.S.C. § 1915(a)(1), the Court may authorize the commencement of an action without requiring the prepayment of costs or fees. The Court’s decision to grant *in forma pauperis* status is discretionary, and in determining whether to grant leave to proceed *in forma pauperis*, the Court considers an applicant’s economic status. *Watson v. Ault*, 525 F.2d 886, 891 (5th Cir. 1976). To satisfy the requirements to proceed *in forma pauperis*, a plaintiff must show that he cannot afford to pay the costs of legal representation and continue to provide himself and his dependents “with the necessities of life.” *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948).

Here, Plaintiff states that he has gross pay totaling \$4,908 per month. (Doc. No. 1, p. 2.) His total housing and transportation expenses, including car insurance, are \$1,495.20 per month.

*Id.* He pays a total of \$800 per month in child support. *Id.* Plaintiff's total monthly expenses, including other miscellaneous costs, amounted to \$3,338.57 in January 2025. *See* Doc. No. 1-4 p. 1. Plaintiff's reported monthly expenses do not exceed his monthly household income, and result in a reported monthly surplus of \$1,569.43.

Even allowing an additional amount for taxes from the gross income number, the Court finds that Plaintiff is able to pay the filing fee of \$405.00 and that his *in forma pauperis* status should therefore be denied. *Jones v. St. Vincents Health System*, No. 3:07-cv-177, 2007 WL 1789242 at \*1 (M.D. Fla. June 19, 2007) (citing *Sears, Roebuck and Co. v. Charles W Sears Real Estate, Inc.*, 865 F.2d 22, 23 (2nd Cir. 1988) (finding that a district court did not err in denying *in forma pauperis* status to an applicant with an annual income of \$20,000); *Brewster v. North American Van Lines, Inc.*, 461 F.2d 649, 651 (7th Cir. 1972) ("to proceed [*in forma pauperis*] is reserved to ... truly impoverished litigants who ... would remain without legal remedy if such privilege were not afforded to them.")).

The undersigned recommends that Plaintiff's motion to proceed *in forma pauperis* be DENIED without prejudice to Plaintiff filing a paid complaint.

The Clerk will file this Memorandum and Recommendation and transmit a copy to each party or counsel. Within **14 days** after being served with a copy of the Memorandum and Recommendation, a party may file with the Clerk and serve on the United States Magistrate Judge and all parties, written objections, pursuant to Fed. R. Civ. P. 72(b), 28 U.S.C. § 636(b)(1), General Order No. 2002-13, United States District Court for the Southern District of Texas.

A failure to file written objections to the proposed findings, conclusions, and recommendation in a magistrate judge's memorandum and recommendation within **14 days** after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the District Court. *See Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (*en banc*).

SIGNED on February 10, 2025.



MITCHEL NEUROCK  
United States Magistrate Judge